



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,288	05/09/2005	Tomokazu Obata	TAN-117	2914
54630 7590 05/16/2007 ROBERTS & ROBERTS, LLP ATTORNEYS AT LAW P.O. BOX 484 PRINCETON, NJ 08542-0484				
			EXAMINER MORILLO, JANEL COMBS	
			ART UNIT 1742	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,288

Applicant(s)

OBATA ET AL.

Examiner

Janelle Combs-Morillo

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 080105.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-9, 11 are rejected under 35 U.S.C. 102(a) or (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tauchi (US 2004/0028912).

Tauchi teaches an Ag alloy for reflection films, and for sputtering targets for forming said films (abstract). Said Ag alloy comprises (in at%): 0.005-0.40at% one of Bi and Sb [0052], \geq 0.3at% one of Cu, Au, Pd, Rh, Ru, Ir, and Pt, 0.01-2at% one of RE elements [0034-0035], which substantially overlap the instant alloying elements and ranges “with sufficient specificity” (see MPEP 2131.03) (cl. 1, 3, 5-8, 11).

Art Unit: 1742

Therefore it is held that Tauchi anticipates, or in the alternative, has created a prima facie case of obviousness of the presently claimed invention.

Concerning claim 9, Tauchi teaches an forming a sputtering target of said alloy (abstract).

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 2001-184725 (JP'725).

JP'725 teaches an Ag alloy for reflection films, and for sputtering targets for forming said films (translation, [0026]). Said Ag alloy comprises: 0.5-5at% at least one of Al, Cu, Ni, Ti, Mn, Pt, Si, Ga, Pd, Bi, In, which substantially overlap the instant alloying elements and ranges "with sufficient specificity" (see MPEP 2131.03) (cl. 1-8, 10-12).

Additionally, Example in [0039] and Fig. 2 of JP'725 falls within cl. 1, 5-8.

Therefore it is held that JP'725 anticipates, or in the alternative, has created a prima facie case of obviousness of the presently claimed invention.

Concerning claim 9, JP'725 teaches an forming a sputtering target of said alloy (translation, [0026]).

5. Claims 1-3, 5-11 are rejected under 35 U.S.C. 102(a) or (b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 2004-131747 (JP'747).

JP'747 teaches an Ag alloy for reflection films (abstract), and for sputtering targets [JP'747 at cl. 8] for forming said films. Said Ag alloy comprises: 0.1-5wt% at least one of Sn, In, Cu, Pd, Au, Zn, Mg; 0.001-0.1wt % at least one of Sr, Y, La, Ce, Pr, Zr, Cr, Ni, which substantially overlap the instant alloying elements and ranges "with sufficient specificity" (see MPEP 2131.03) (cl. 1-3, 5-8, 10-11).

Additionally, Examples 21, 25, and 31 (Table 2 of JP'747) fall within cl. 1-3, 5-8, 10, 11.

Art Unit: 1742

Therefore it is held that JP'747 anticipates, or in the alternative, has created a prima facie case of obviousness of the presently claimed invention.


Concerning claim 9, JP'747 teaches an forming a sputtering target of said alloy [JP'747 at cl. 8].

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle Combs-Morillo whose telephone number is (571) 272-1240. The examiner can normally be reached on 8:30 am- 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JCM 
May 11, 2007


ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700